

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DENISE BOORMAN, an individual and as
the personal representative of RICHARD
LESLIE FRANCIS BOORMAN; BILLY
CHRISTIAN BOORMAN, a minor; DEAN
ALFRED BOORMAN, an individual; RITA
VAN INGEN, an individual; DIANE GOODWIN,
an individual; GEMMA BARKER, an individual,

Plaintiffs,

vs.

NEVADA MEMORIAL CREMATION
SOCIETY, INC., (a Nevada Corporation)
formerly identified as NEVADA FUNERAL
SERVICES, a business entity of form unknown;
STEVE ALLEN, an individual; ERIC ARCENEUX
an individual; CLARK COUNTY, a political
subdivision of the STATE OF NEVADA; CLARK
COUNTY CORONER'S OFFICE, a division of
CLARK COUNTY; MONIQUE BEVERLY, an
individual; and DOES 6 thru 100 inclusive,

Defendants.

2:07-CV-00706-PMP-GWF

ORDER

On September 25, 2008, this Court entered an Order (Doc. #53) granting in part and denying in part Defendants' Motion to Dismiss (Doc. #43), and by separate Order (Doc. #54) certified questions to the Nevada Supreme Court.

On July 29, 2010, the Nevada Supreme Court issued an Opinion on the certified questions. A copy of that Opinion was filed in this Court on August 10, 2010, (Doc. #70). On September 3, 2010, Defendants Clark County and Monique Beverly filed a Motion (Doc. #72) to renew portions of the Motion to Dismiss filed April 29, 2008, (Doc. #43). Defendants' Motion to Renew (Doc. #72) is fully briefed,

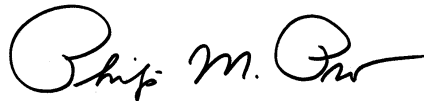
1 and the parties are familiar with the facts that underline this action.

2 The core question presented by Defendants' Renewed Motion to Dismiss is
3 whether the Opinion of the Nevada Supreme Court on the certified questions requires
4 dismissal of all claims set forth in Plaintiffs' Second Amended Complaint except for
5 claims for intentional and negligent infliction of emotional distress brought by
6 Plaintiff Denise Boorman, mother of the decedent, against Defendant Clark County
7 Coroner's Office, a division of Clark County, and Monique Beverly. The Court
8 adopts the interpretation of the Opinion of the Nevada Supreme Court offered by
9 Defendants Clark County and Monique Beverly, and therefore finds that Defendants'
10 Motion to Renew Motion to Dismiss (Doc. #72) must be granted.

11 **IT IS THEREFORE ORDERED** that Defendants Clark County and Monique
12 Beverly's Motion to Renew Motion to Dismiss (Doc. #72) is **GRANTED**.

13 **IT IS FURTHER ORDERED** that Plaintiff Denise Boorman shall have to and
14 including **November 3, 2010**, within which to file a Third Amended Complaint
15 consistent with this Court's Order.

16
17 DATED: October 6, 2010.

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20 PHILIP M. PRO
United States District Judge